

111TH CONGRESS
1ST SESSION

H. R. 3360

AN ACT

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Cruise Vessel Security and Safety Act of 2009”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Cruise vessel security and safety requirements.

Sec. 4. Study and report on the security needs of passenger vessels.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) There are approximately 200 overnight
9 ocean-going cruise vessels worldwide. The average
10 ocean-going cruise vessel carries 2,000 passengers
11 with a crew of 950 people.

12 (2) In 2007 alone, approximately 12,000,000
13 passengers were projected to take a cruise world-
14 wide.

15 (3) Passengers on cruise vessels have an inad-
16 equate appreciation of their potential vulnerability to
17 crime while on ocean voyages, and those who may be
18 victimized lack the information they need to under-
19 stand their legal rights or to know whom to contact
20 for help in the immediate aftermath of the crime.

21 (4) Sexual violence, the disappearance of pas-
22 sengers from vessels on the high seas, and other se-
23 rious crimes have occurred during luxury cruises.

1 (5) Over the last 5 years, sexual assault and
2 physical assaults on cruise vessels were the leading
3 crimes investigated by the Federal Bureau of Inves-
4 tigation with regard to cruise vessel incidents.

5 (6) These crimes at sea can involve attacks
6 both by passengers and crew members on other pas-
7 sengers and crew members.

8 (7) Except for United States flagged vessels, or
9 foreign flagged vessels operating in an area subject
10 to the direct jurisdiction of the United States, there
11 are no Federal statutes or regulations that explicitly
12 require cruise lines to report alleged crimes to
13 United States Government officials.

14 (8) It is not known precisely how often crimes
15 occur on cruise vessels or exactly how many people
16 have disappeared during ocean voyages because
17 cruise line companies do not make comprehensive,
18 crime-related data readily available to the public.

19 (9) Obtaining reliable crime-related cruise data
20 from governmental sources can be difficult, because
21 multiple countries may be involved when a crime oc-
22 curs on the high seas, including the flag country for
23 the vessel, the country of citizenship of particular
24 passengers, and any countries having special or mar-
25 itime jurisdiction.

1 (10) It can be difficult for professional crime
2 investigators to immediately secure an alleged crime
3 scene on a cruise vessel, recover evidence of an on-
4 board offense, and identify or interview potential
5 witnesses to the alleged crime.

6 (11) Most cruise vessels that operate into and
7 out of United States ports are registered under the
8 laws of another country, and investigations and
9 prosecutions of crimes against passengers and crew
10 members may involve the laws and authorities of
11 multiple nations.

12 (12) The Coast Guard has found it necessary to
13 establish 500-yard security zones around cruise ves-
14 sels to limit the risk of terrorist attack. Recently pi-
15 racy has dramatically increased throughout the
16 world.

17 (13) To enhance the safety of cruise pas-
18 sengers, the owners of cruise vessels could upgrade,
19 modernize, and retrofit the safety and security infra-
20 structure on such vessels by installing peep holes in
21 passenger room doors, installing security video cam-
22 eras in targeted areas, limiting access to passenger
23 rooms to select staff during specific times, and in-
24 stalling acoustic hailing and warning devices capable
25 of communicating over distances.

1 **SEC. 3. CRUISE VESSEL SECURITY AND SAFETY REQUIRE-**
2 **MENTS.**

3 (a) IN GENERAL.—Chapter 35 of title 46, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 3507. Passenger vessel security and safety require-**
7 **ments**

8 “(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION,
9 AND RETROFITTING REQUIREMENTS.—

10 “(1) IN GENERAL.—Each vessel to which this
11 subsection applies shall comply with the following
12 design and construction standards:

13 “(A) The vessel shall be equipped with
14 ship rails that are located not less than 42
15 inches above the cabin deck.

16 “(B) Each passenger stateroom and crew
17 cabin shall be equipped with entry doors that
18 include peep holes or other means of visual
19 identification.

20 “(C) For any vessel the keel of which is
21 laid after the date of enactment of the Cruise
22 Vessel Security and Safety Act of 2009, each
23 passenger stateroom and crew cabin shall be
24 equipped with—

25 “(i) security latches; and

26 “(ii) time-sensitive key technology.

1 “(D) The vessel shall integrate technology
2 that can be used for capturing images of pas-
3 sengers or detecting passengers who have fallen
4 overboard, to the extent that such technology is
5 available.

6 “(E) The vessel shall be equipped with a
7 sufficient number of operable acoustic hailing
8 or other such warning devices to provide com-
9 munication capability around the entire vessel
10 when operating in high risk areas (as defined
11 by the Coast Guard).

12 “(2) FIRE SAFETY CODES.—In administering
13 the requirements of paragraph (1)(C), the Secretary
14 shall take into consideration fire safety and other
15 applicable emergency requirements established by
16 the Coast Guard and under international law, as ap-
17 propriate.

18 “(3) EFFECTIVE DATE.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B), the requirements of para-
21 graph (1) shall take effect 18 months after the
22 date of enactment of the Cruise Vessel Security
23 and Safety Act of 2009.

24 “(B) LATCH AND KEY REQUIREMENTS.—
25 The requirements of paragraph (1)(C) take ef-

1 fect on the date of enactment of the Cruise Ves-
2 sel Security and Safety Act of 2009.

3 “(b) VIDEO RECORDING.—

4 “(1) REQUIREMENT TO MAINTAIN SURVEIL-
5 LANCE.—The owner of a vessel to which this section
6 applies shall maintain a video surveillance system to
7 assist in documenting crimes on the vessel and in
8 providing evidence for the prosecution of such
9 crimes, as determined by the Secretary.

10 “(2) ACCESS TO VIDEO RECORDS.—The owner
11 of a vessel to which this section applies shall provide
12 to any law enforcement official performing official
13 duties in the course and scope of an investigation,
14 upon request, a copy of all records of video surveil-
15 lance that the official believes may provide evidence
16 of a crime reported to law enforcement officials.

17 “(c) SAFETY INFORMATION.—The owner of a vessel
18 to which this section applies shall provide in each pas-
19 senger stateroom, and post in a location readily accessible
20 to all crew and in other places specified by the Secretary,
21 information regarding the locations of the United States
22 embassy and each consulate of the United States for each
23 country the vessel will visit during the course of the voy-
24 age.

1 “(d) SEXUAL ASSAULT.—The owner of a vessel to
2 which this section applies shall—

3 “(1) maintain on the vessel adequate, in-date
4 supplies of anti-retroviral medications and other
5 medications designed to prevent sexually transmitted
6 diseases after a sexual assault;

7 “(2) maintain on the vessel equipment and ma-
8 terials for performing a medical examination in sex-
9 ual assault cases to evaluate the patient for trauma,
10 provide medical care, and preserve relevant medical
11 evidence;

12 “(3) make available on the vessel at all times
13 medical staff who have undergone a credentialing
14 process to verify that he or she—

15 “(A) possesses a current physician’s or
16 registered nurse’s license and—

17 “(i) has at least 3 years of post-grad-
18 uate or post-registration clinical practice in
19 general and emergency medicine; or

20 “(ii) holds board certification in emer-
21 gency medicine, family practice medicine,
22 or internal medicine;

23 “(B) is able to provide assistance in the
24 event of an alleged sexual assault, has received
25 training in conducting forensic sexual assault

1 examination, and is able to promptly perform
2 such an examination upon request and provide
3 proper medical treatment of a victim, including
4 administration of anti-retroviral medications
5 and other medications that may prevent the
6 transmission of human immunodeficiency virus
7 and other sexually transmitted diseases; and

8 “(C) meets guidelines established by the
9 American College of Emergency Physicians re-
10 lating to the treatment and care of victims of
11 sexual assault;

12 “(4) prepare, provide to the patient, and main-
13 tain written documentation of the findings of such
14 examination that is signed by the patient; and

15 “(5) provide the patient free and immediate ac-
16 cess to—

17 “(A) contact information for local law en-
18 forcement, the Federal Bureau of Investigation,
19 the Coast Guard, the nearest United States
20 consulate or embassy, and the National Sexual
21 Assault Hotline program or other third party
22 victim advocacy hotline service; and

23 “(B) a private telephone line and Internet-
24 accessible computer terminal by which the indi-
25 vidual may confidentially access law enforce-

1 ment officials, an attorney, and the information
2 and support services available through the Na-
3 tional Sexual Assault Hotline program or other
4 third party victim advocacy hotline service.

5 “(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAM-
6 INATION AND SUPPORT INFORMATION.—The master or
7 other individual in charge of a vessel to which this section
8 applies shall—

9 “(1) treat all information concerning an exam-
10 ination under subsection (d) confidential, so that no
11 medical information may be released to the cruise
12 line or other owner of the vessel or any legal rep-
13 resentative thereof without the prior knowledge and
14 approval in writing of the patient, or, if the patient
15 is unable to provide written authorization, the pa-
16 tient’s next-of-kin, except that nothing in this para-
17 graph prohibits the release of—

18 “(A) information, other than medical find-
19 ings, necessary for the owner or master of the
20 vessel to comply with the provisions of sub-
21 section (g) or other applicable incident report-
22 ing laws;

23 “(B) information to secure the safety of
24 passengers or crew on board the vessel; or

1 “(C) any information to law enforcement
2 officials performing official duties in the course
3 and scope of an investigation; and

4 “(2) treat any information derived from, or ob-
5 tained in connection with, post-assault counseling or
6 other supportive services confidential, so no such in-
7 formation may be released to the cruise line or any
8 legal representative thereof without the prior knowl-
9 edge and approval in writing of the patient, or, if
10 the patient is unable to provide written authoriza-
11 tion, the patient’s next-of-kin.

12 “(f) CREW ACCESS TO PASSENGER STATEROOMS.—
13 The owner of a vessel to which this section applies shall—

14 “(1) establish and implement procedures and
15 restrictions concerning—

16 “(A) which crew members have access to
17 passenger staterooms; and

18 “(B) the periods during which they have
19 that access; and

20 “(2) ensure that the procedures and restrictions
21 are fully and properly implemented and periodically
22 reviewed.

23 “(g) LOG BOOK AND REPORTING REQUIREMENTS.—

24 “(1) IN GENERAL.—The owner of a vessel to
25 which this section applies shall—

1 “(A) record in a log book, either electroni-
2 cally or otherwise, in a centralized location
3 readily accessible to law enforcement personnel,
4 a report on—

5 “(i) all complaints of crimes described
6 in paragraph (3)(A)(i),

7 “(ii) all complaints of theft of prop-
8 erty valued in excess of \$1,000, and

9 “(iii) all complaints of other crimes,
10 committed on any voyage that embarks or dis-
11 embarks passengers in the United States; and

12 “(B) make such log book available upon
13 request to any agent of the Federal Bureau of
14 Investigation, any member of the Coast Guard,
15 and any law enforcement officer performing of-
16 ficial duties in the course and scope of an inves-
17 tigation.

18 “(2) DETAILS REQUIRED.—The information re-
19 corded under paragraph (1) shall include, at a min-
20 imum—

21 “(A) the vessel operator;

22 “(B) the name of the cruise line;

23 “(C) the flag under which the vessel was
24 operating at the time the reported incident oc-
25 curred;

1 “(D) the age and gender of the victim and
2 the accused assailant;

3 “(E) the nature of the alleged crime or
4 complaint, as applicable, including whether the
5 alleged perpetrator was a passenger or a crew
6 member;

7 “(F) the vessel’s position at the time of the
8 incident, if known, or the position of the vessel
9 at the time of the initial report;

10 “(G) the time, date, and method of the ini-
11 tial report and the law enforcement authority to
12 which the initial report was made;

13 “(H) the time and date the incident oc-
14 curred, if known;

15 “(I) the total number of passengers and
16 the total number of crew members on the voy-
17 age; and

18 “(J) the case number or other identifier
19 provided by the law enforcement authority to
20 which the initial report was made.

21 “(3) REQUIREMENT TO REPORT CRIMES AND
22 OTHER INFORMATION.—

23 “(A) IN GENERAL.—The owner of a vessel
24 to which this section applies (or the owner’s
25 designee)—

1 “(i) shall contact the nearest Federal
2 Bureau of Investigation Field Office or
3 Legal Attache by telephone as soon as pos-
4 sible after the occurrence on board the ves-
5 sel of an incident involving homicide, sus-
6 picious death, a missing United States na-
7 tional, kidnapping, assault with serious
8 bodily injury, any offense to which section
9 2241, 2242, 2243, or 2244 (a) or (c) of
10 title 18 applies, firing or tampering with
11 the vessel, or theft of money or property in
12 excess of \$10,000 to report the incident;

13 “(ii) shall furnish a written report of
14 the incident to the Secretary via an Inter-
15 net based portal;

16 “(iii) may report any serious incident
17 that does not meet the reporting require-
18 ments of clause (i) and that does not re-
19 quire immediate attention by the Federal
20 Bureau of Investigation via the Internet
21 based portal maintained by the Secretary
22 of Transportation; and

23 “(iv) may report any other criminal
24 incident involving passengers or crew mem-

1 bers, or both, to the proper State or local
2 government law enforcement authority.

3 “(B) INCIDENTS TO WHICH SUBPARA-
4 GRAPH (A) APPLIES.—Subparagraph (A) ap-
5 plies to an incident involving criminal activity
6 if—

7 “(i) the vessel, regardless of registry,
8 is owned, in whole or in part, by a United
9 States person, regardless of the nationality
10 of the victim or perpetrator, and the inci-
11 dent occurs when the vessel is within the
12 admiralty and maritime jurisdiction of the
13 United States and outside the jurisdiction
14 of any State;

15 “(ii) the incident concerns an offense
16 by or against a United States national
17 committed outside the jurisdiction of any
18 nation;

19 “(iii) the incident occurs in the Terri-
20 torial Sea of the United States, regardless
21 of the nationality of the vessel, the victim,
22 or the perpetrator; or

23 “(iv) the incident concerns a victim or
24 perpetrator who is a United States na-
25 tional on a vessel during a voyage that de-

1 parted from or will arrive at a United
2 States port.

3 “(4) AVAILABILITY OF INCIDENT DATA VIA
4 INTERNET.—

5 “(A) WEBSITE.—The Secretary of Trans-
6 portation shall maintain a statistical compila-
7 tion of all incidents described in paragraph
8 (3)(A)(i) on an Internet site that provides a nu-
9 merical accounting of the missing persons and
10 alleged crimes recorded in each report filed
11 under paragraph (3)(A)(i) that are no longer
12 under investigation by the Federal Bureau of
13 Investigation. The data shall be updated no less
14 frequently than quarterly, aggregated by—

15 “(i) cruise line, with each cruise line
16 identified by name; and

17 “(ii) whether each crime was com-
18 mitted by a passenger or a crew member.

19 “(B) ACCESS TO WEBSITE.—Each cruise
20 line taking on or discharging passengers in the
21 United States shall include a link on its Inter-
22 net website to the website maintained by the
23 Secretary under subparagraph (A).

24 “(h) ENFORCEMENT.—

25 “(1) PENALTIES.—

1 “(A) CIVIL PENALTY.—Any person that
2 violates this section or a regulation under this
3 section shall be liable for a civil penalty of not
4 more than \$25,000 for each day during which
5 the violation continues, except that the max-
6 imum penalty for a continuing violation is
7 \$50,000.

8 “(B) CRIMINAL PENALTY.—Any person
9 that knowingly fails to record in a log book or
10 to make a log book available in accordance with
11 subsection (g)(1), or to report in accordance
12 with subsection (g)(3), shall be fined not more
13 than \$250,000 or imprisoned not more than 1
14 year, or both.

15 “(2) DENIAL OF ENTRY.—The Secretary may
16 deny entry into the United States to a vessel to
17 which this section applies if the owner of the ves-
18 sel—

19 “(A) commits an act or omission for which
20 a penalty may be imposed under this sub-
21 section; or

22 “(B) fails to pay a penalty imposed on the
23 owner under this subsection.

24 “(i) PROCEDURES.—Within 6 months after the date
25 of enactment of the Cruise Vessel Security and Safety Act

1 of 2009, the Secretary shall issue guidelines, training cur-
2 ricula, and inspection and certification procedures nec-
3 essary to carry out the requirements of this section.

4 “(j) REGULATIONS.—The Secretary of Transpor-
5 tation and the Commandant shall each issue such regula-
6 tions as are necessary to implement this section.

7 “(k) APPLICATION.—

8 “(1) IN GENERAL.—This section and section
9 3508 apply to a passenger vessel (as defined in sec-
10 tion 2101(22)) that—

11 “(A) is authorized to carry at least 250
12 passengers;

13 “(B) has onboard sleeping facilities for
14 each passenger;

15 “(C) is on a voyage that embarks or dis-
16 embarks passengers in the United States; and

17 “(D) is not engaged on a coastwise voyage.

18 “(2) FEDERAL AND STATE VESSELS.—This sec-
19 tion and section 3508 do not apply to a vessel that
20 is owned and operated by the United States Govern-
21 ment or a vessel that is owned and operated by a
22 State.

23 “(l) OWNER DEFINED.—In this section and section
24 3508, the term ‘owner’ means the owner, charterer, man-

1 aging operator, master, or other individual in charge of
2 a vessel.

3 **“§ 3508. Crime scene preservation training for pas-**
4 **senger vessel crew members**

5 “(a) IN GENERAL.—Within 1 year after the date of
6 enactment of the Cruise Vessel Security and Safety Act
7 of 2009, the Secretary, in consultation with the Director
8 of the Federal Bureau of Investigation and the Maritime
9 Administrator, shall develop training standards and cur-
10 ricula to allow for the certification of passenger vessel se-
11 curity personnel, crew members, and law enforcement offi-
12 cials on the appropriate methods for prevention, detection,
13 evidence preservation, and reporting of criminal activities
14 in the international maritime environment. The Adminis-
15 trator of the Maritime Administration may certify organi-
16 zations in the United States and abroad that offer the cur-
17 riculum for training and certification under subsection (c).

18 “(b) MINIMUM STANDARDS.—The standards estab-
19 lished by the Secretary under subsection (a) shall in-
20 clude—

21 “(1) the training and certification of vessel se-
22 curity personnel, crew members, and law enforce-
23 ment officials in accordance with accepted law en-
24 forcement and security guidelines, policies, and pro-
25 cedures, including recommendations for incor-

1 porating a background check process for personnel
2 trained and certified in foreign countries;

3 “(2) the training of students and instructors in
4 all aspects of prevention, detection, evidence preser-
5 vation, and reporting of criminal activities in the
6 international maritime environment; and

7 “(3) the provision or recognition of off-site
8 training and certification courses in the United
9 States and foreign countries to develop and provide
10 the required training and certification described in
11 subsection (a) and to enhance security awareness
12 and security practices related to the preservation of
13 evidence in response to crimes on board passenger
14 vessels.

15 “(c) CERTIFICATION REQUIREMENT.—Beginning 2
16 years after the standards are established under subsection
17 (b), no vessel to which this section applies may enter a
18 United States port on a voyage (or voyage segment) on
19 which a United States citizen is a passenger unless there
20 is at least 1 crew member onboard who is certified as hav-
21 ing successfully completed training in the prevention, de-
22 tection, evidence preservation, and reporting of criminal
23 activities in the international maritime environment on
24 passenger vessels under subsection (a).

1 “(d) INTERIM TRAINING REQUIREMENT.—No vessel
2 to which this section applies may enter a United States
3 port on a voyage (or voyage segment) on which a United
4 States citizen is a passenger unless there is at least 1 crew
5 member onboard who has been properly trained in the pre-
6 vention, detection, evidence preservation and the reporting
7 requirements of criminal activities in the international
8 maritime environment. The owner of such a vessel shall
9 maintain certification or other documentation, as pre-
10 scribed by the Secretary, verifying the training of such in-
11 dividual and provide such documentation upon request for
12 inspection in connection with enforcement of the provi-
13 sions of this section. This subsection shall take effect 1
14 year after the date of enactment of the Cruise Vessel Safe-
15 ty and Security Act of 2009 and shall remain in effect
16 until superseded by the requirements of subsection (c).

17 “(e) CIVIL PENALTY.—Any person that violates this
18 section or a regulation under this section shall be liable
19 for a civil penalty of not more than \$50,000.

20 “(f) DENIAL OF ENTRY.—The Secretary may deny
21 entry into the United States to a vessel to which this sec-
22 tion applies if the owner of the vessel—

23 “(1) commits an act or omission for which a
24 penalty may be imposed under subsection (e); or

1 “(2) fails to pay a penalty imposed on the
2 owner under subsection (e).”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 for such chapter is amended by adding at the end the fol-
5 lowing:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

6 **SEC. 4. STUDY AND REPORT ON THE SECURITY NEEDS OF**
7 **PASSENGER VESSELS.**

8 (a) IN GENERAL.—Within 3 months after the date
9 of enactment of this Act, the Secretary of the department
10 in which the Coast Guard is operating shall conduct a
11 study of the security needs of passenger vessels depending
12 on number of passengers on the vessels, and report to the
13 Congress findings of the study and recommendations for
14 improving security on those vessels.

15 (b) REPORT CONTENTS.—In recommending appro-
16 priate security on those vessels, the report shall take into
17 account typical crew member shifts, working conditions of
18 crew members, and length of voyages.

Passed the House of Representatives November 17,
2009.

Attest:

Clerk.

11TH CONGRESS
1ST Session

H. R. 3360

AN ACT

To amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.